

Response

The claims were amended in accordance with the amendments above. The amendments to the claims are being made to focus the claims on those aspects of the invention which are a commercial priority of the assignee. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

In addition, the Applicants submit that the present amendments to the claims do not raise new issues, and that the present amendments place the application either in better condition for allowance or in better form for appeal, such that the amendments to the claims will require only cursory review. In particular, the amendment to claim 19, which is the only amendment made herein, merely adopts the Examiner's suggestion to change the dependency of that claim from claim 18 to claim 15. Applicants believe that, in the present Office Action, previously presented claim 19 was examined as if it had in fact depended from claim 15. Amended claim 19 therefore reads identically to previously presented claim 19 as that claim had been examined. Accordingly, Applicants respectfully request that the present amendments be entered.

In the Office Action dated 08/12/05, claim 19 was objected to for depending from claim 18, which had been canceled in a prior amendment. The Examiner suggested that claim 19 be amended to depend from claim 15. Applicants appreciate the Examiner's suggestion of a remedial amendment, and have adopted the suggestion by the amendment made herein. Accordingly, Applicants respectfully request that the amendment to claim 19 be entered, and that the objection to claim 19 be withdrawn.

Claims 1, 4, 5, 7-9, 11, 14-17, 19, 22, 23, 25, and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hogan et al. (US 5,619,554) in view of Ainslie et al. (US 6,480,599). Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hogan et al. in view of Ainslie et al. and further in view of Bjornberg et al. (US 6,389,126). Applicants note that under MPEP 2143.03, in order to establish a *prima facie* case of obviousness, the prior art reference or combination of references must teach or suggest all of the limitations of a claim.

A *prima facie* case of obviousness also requires that there be some teaching, suggestion, or motivation to modify the references either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2143.01. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP 2143.01. For at least the reasons set forth below, Applicants respectfully submit that the combined art of record fails to render present claims 1, 4, 5, 7-9, 11, 14-17, 19, and 22-26 obvious.

With respect to present independent claim 1, Applicants note that the claim recites the limitation “whereby said Script Engine may select an appropriate script and send an instruction and the selected script back to the IVR Engine.” Accordingly, Applicants note that the Script Engine, which is separate from the IVR Engine, is the component that is configured to select the script in claim 1. By contrast, in the system taught by Hogan et al., the IVR (disclosed as an “automated voice response unit”) is the component that selects the scripts, not a separate component such as the separate Script Engine recited in claim 1. (See Col. 14, ll. 16-22 and 33-47 of Hogan et al.). Similarly, in the system taught by Ainslie et al., the IVR is the only component that selects the scripts. (See Col. 3, ll. 18-36 of Ainslie et al.). In addition, neither Hogan et al. nor Ainslie et al. remotely suggest having some component other than the IVR be the component that selects the scripts such as the separate Script Engine recited in claim 1. Applicants therefore submit that the combined art of record fails to teach or suggest all of the limitations of claim 1 in accordance with MPEP 2143.03. Accordingly, Applicants respectfully submit that the combined art of record fails to render present claim 1 obvious in accordance with MPEP 2143, and respectfully request that the rejection be withdrawn.

With respect to present independent claim 15, Applicants note that the claim recites “a Main Script Engine adapted to receive an instruction from said IVR engine, to select a script, and to return the instruction to said IVR Engine.” Accordingly, Applicants note that, similar to claim 1, the Main Script Engine, which is separate from the IVR Engine, is the component that is configured to select the script in claim 15. For the reasons stated above with respect to claim 1, Applicants respectfully submit that the combined art of record fails to teach or suggest having

some component other than the IVR be the component that selects the scripts such as the separate Main Script Engine recited in claim 15. Applicants therefore submit that the combined art of record fails to teach or suggest all of the limitations of claim 15 in accordance with MPEP 2143.03. Accordingly, Applicants respectfully submit that the combined art of record fails to render present claim 15 obvious in accordance with MPEP 2143, and respectfully request that the rejection be withdrawn.

Applicants further submit that Bjornberg et al. fails to make up for the above-noted deficiencies of Hogan et al. and Ainslie et al., among others.


Furthermore, even if the combined art of record taught or suggested all of the elements of any of the amended independent claims, the art is devoid of any suggestion or motivation to modify or combine the teachings of the references in order to obtain the claimed invention. Indeed, MPEP 2143.01 admonishes that “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” (emphasis in original). Because the motivation required by MPEP 2143.01 is lacking, Applicants respectfully request that the rejections be withdrawn.

While several distinctions have been noted over the art of record, Applicant notes that there are several other limitations recited in the present claims which are neither taught nor suggested by the art of record. Applicant expressly reserves all rights and arguments with respect to distinctions not explicitly noted herein. In addition, to the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserve all rights and arguments. Applicant further notes that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for novelty and non-obviousness.

Because no new issues or no new matter is raised by the present amendments, it is respectfully submitted that the present amendments should be entered. In light of the

amendments and remarks made herein, it is respectfully submitted that the amended claims are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Should the Examiner wish to discuss the amendments or arguments made herein, Applicants invite the Examiner to contact the undersigned at (513)369-4811 or via e-mail at [aulmer@fbtlaw.com](mailto:aulmer@fbtlaw.com).

Respectfully Submitted,



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